

REMARKS

This application has been carefully reviewed in light of the Office Action dated December 11, 2003. Claims 1-6 and 9-10 remain pending in this application. Claim 1 is the independent claim. Favorable reconsideration is respectfully requested.

Applicants note with appreciation the indication that Claims 3-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully refrain from so amending Claims 3-6 at this time because they believe their base claims to be allowable.

On the merits, the Office Action rejected Claims 1-2, 9-10 under 35 U.S.C. § 102(b) as being anticipated by Van Der Werf et al. (U.S. Patent No. 6,122,058; hereinafter "Van Der Werf"). Applicants respectfully believe the Claims allowable for at least the following reasons:

Van Der Werf fails to recite or suggest a detector for detecting an intensity of light reflected off the surface to be inspected. Rather, Van Der Werf recites an interferometer which measures variations in the refractive index between a measuring beam and a laser beam. (See, e.g., Col. 17, lines 30-60) In addition, Van Der Werf requires two detectors 140 and 141 to


measure refractive index variations. Claim 1 is believed patentable for at least these reasons.

Claim 9 recites a method substantially corresponding to the device of Claim 1 and is believed patentable for at least the same reasons.

Claims 2 and 10 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, Applicants respectfully believe Claims 2 and 10 to be independently patentable and request separate consideration of each claim.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently-pending claims are clearly patentable. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

By 
Aaron Waxler,
Reg. No. 48,027
Attorney
(914) 333-9608
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